

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

E.P.,

No. C05-01390 MJJ

Plaintiff,

**ORDER FOR SUPPLEMENTAL
BRIEFING**

v.

SAN RAMON VALLEY UNIFIED SCHOOL
DISTRICT,

Defendant.


Pending before the Court is Plaintiff E.P.'s Motion for Summary Judgment. In reviewing the briefing and record, the Court notes that the parties have submitted an audiotape recording of part of the August 25, 2004 Individualized Education Program ("IEP") team meeting into evidence. (Joint Exhibit "Alpha".) Joint Exhibit "Alpha" begins on Side A with the introduction of Kim Stokes and Vickie Wells but ends as the discussion concerning the scheduling of the August 30, 2004 IEP meeting begins. Side B is blank. In the Administrative Record ("AR"), the Hearing Officer references these scheduling discussions from Joint Exhibit "Alpha." (Administrative Record, SEHO Decision 9-10, fn3.) Further, both parties refer to Joint Exhibit "Alpha" when giving their competing accounts of the discussion about the scheduling of the August 30, 2004 IEP team meeting. (AR Student's Closing Argument 2:14-3:22; AR District's Closing Brief 8:25-9:16.) However, this scheduling conversation is not included on the Court's copy of Joint Exhibit "Alpha."

Because the scheduling discussion at the end of the August 25, 2004 IEP meeting is at the heart of Plaintiff's motion, the Court finds that the audiotape recording of the entire IEP meeting on that date

1 would be helpful in resolving this matter. Accordingly, the Court directs the parties to submit a joint
2 statement indicating whether the audio recording of this part of the August 25th proceeding exists and
3 why it was not filed. Additionally, if the parties agree that it should be part of the Court's record, they
4 may concurrently file the audiotape with their joint statement. The parties' joint statement shall be due
5 within 5 days of the filing date of this Order.

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7 **IT IS SO ORDERED.**

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10 Dated: June 23, 2006



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE